REMARKS

This amendment is filed in response to the Office Action of March 31, 2003 in which claims 1-27 were rejected.

Regarding the 35 U.S.C. § 102(e) rejection of claims 1-22, it appears that the delivery of urgent messages disclosed by Hanson utilizes a conventional voice mail system that also activates an improved message waiting indicator for the recipient by using both forced delivery and mail box messaging in combination to ensure timely delivery of an urgent message. The embodiment of Fig. 1 shows a caller dialing a person for whom he/she has an urgent message (11) and if the recipient does not answer, a voice mail system intercepts the call and invites the caller to leave a message in the usual way (14). According to the invention of Hanson, if urgent delivery is chosen (17), the voice mail system queues the message for a repetitive delivery attempt loop which tests (20) to see if the recipient has retrieved the message from the mail box and if not, the system dials the recipients number and rings the phone with a distinctive ringing tone such as three burst rings. If the recipient does not answer, then the process is repeated and the next delivery attempt is rescheduled.

In the second embodiment as shown in Fig. 2, the caller dials the voice messaging system from the outset, leaves a voice message and either leaves it for retrieval in the usual way (36) or uses the methodology of Fig. 1 to put the voice mail message in a queue (37) for urgent delivery by which the system repeatedly dials the recipient's number and rings the phone with a distinctive message waiting indicator such as a stutter dial tone, display of a voice-mail icon on a display telephone or CRT display, or by illuminating a lamp on a telephone.

The present invention as expressed in claim 1, on the other hand, has to do with voice messages that are completed at a first terminal before being transmitted to a second terminal. In other words, the voice message is already spoken to a conclusion by a first user at the first terminal prior to the transmission from

the first terminal. This completed voice message that is spoken to a conclusion before being transmitted from the first terminal has the inventive characteristic of being a voice-type short message.

The system of Hanson shows the voice mail system itself intercepting the call and recording the message to completion not at the first terminal but at the voice mail system such as a telephone company voice mail system (see column 2, line 35).

It is important to note that Hanson does not show or even suggest the idea of having the voice message already spoken to a conclusion by a first user at a first terminal prior to transmission from the first terminal. Rather, Hanson clearly shows the caller speaking the message to the voice mail system which intercepts the message and records it at step 15 in Fig. 1 and keeps it at the system for either making the message available (see step 18 of Fig. 1 of Hanson) or by forced delivery by the step 17-25 of Fig. 1 of Hanson.

The present invention does not do this but rather the first user speaks the message to a conclusion at the first terminal prior to transmitting the completed voice message from the first terminal.

This is important in the context of the presently disclosed short voice message service method. By speaking the voice message to a conclusion at the first terminal, the completed voice message is then in a form that is amenable to transmission in a manner comparable to the existing short message service or the existing instant messaging service that has heretofore been confined to text messaging. The insight of the present invention is that it is possible to extend the concept of SMS or IM to short voice messaging.

As such, short voice messaging does not have anything to do with a caller dialing a person or a voice messaging system in the traditional sense shown by Hanson. Rather, it has to do with the composition of a completed message prior to sending same to a recipient in an immediate manner.

Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 1, as amended, and withdrawal of the rejection thereof on that ground is requested.

Regarding claim 8, the Examiner is referred to Fig. 11 where the means for receiving an SVM 320 is shown in combination with the means 322 for checking availability and the means 324 for immediately sending the received voice message to the second terminal are shown. In particular, the means 322 for checking availability is claimed as using a presence service to check the availability. Such a presence service (248) is shown in Fig. 7 of the present disclosure which is described at page 11 beginning at line 18 (see paragraph 42 on page 4 of Publication US 2002/0146097 A1). Hanson fails to show or suggest a presence service. Hanson's caller dialing a person for whom he/she has an urgent message (11) does not qualify as a presence service and neither does the voice mail system performing a forced delivery by periodic dialing. Hanson does not check availability but rather uses a brute force repeated ringing technique that has nothing to do with checking availability.

Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 8 and withdrawal of the rejection thereof on that ground is requested.

Regarding independent claim 15 (system), the same remarks made above in connection with claim 8 apply here as well. The claimed presence service for checking availability does not read on Hanson's integrated forced delivery because the caller dialing a person for whom he/she has an urgent message does not constitute a presence service nor does the voice mail system intercepting a call and queuing a message for repeated delivery attempts by dialing the recipient's number and ringing the phone until it is answered.

Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 15 and withdrawal of the rejection thereof on that ground is requested.

Regarding claims 2 and 9, claim 2 has been amended to omit

the step of storing and to instead provide further details of the manner of checking availability, i.e., using a presence service and immediately sending the completed voice message only if the second terminal is available. For the reasons given above in connection with the independent claims 8 and 15, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 2 because Hanson fails to show a presence service used to check availability. Rather, Hanson uses a ringing technique where repeated ringing is attempted until the second terminal answers. Hanson does not check availability but only uses a brute force ringing technique that has no idea about availability. Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claims 2 and 9 and withdrawal of the rejection thereof on that ground is requested.

Regarding claim 3, Hanson does not show or suggest a completed voice message spoken to a conclusion by a first user at a first terminal prior to transmission from the first terminal as claimed in claim 1 and therefore there is no notification in Hanson about a completed voice message. Regarding claim 10, although Hanson shows the sending of an alert to the called party (column 2, lines 58-60), it must be pointed out that the notification step of claim 10 of the presently claimed invention is carried out upon finding availability using a presence service (as claimed in claim 8), not by repeated "blind" notification by dialing the recipient's number and ringing the phone repeatedly without knowing whether the recipient is available or not. This can be seen to be quite different from Hanson. For instance because it can be seen that in Hanson a possibly annoying distinctive ringing such as three burst rings (column 2, line 23) will occur in Hanson which could be annoying to bystanders. Such would not occur using the presently claimed invention.

Regarding claim 16, the same remarks made above in connection with claim 10 apply to claim 16 as well. Withdrawal of the 35 U.S.C. § 102(e) rejections of claims 3, 10 and 16 is requested.

Regarding claim 4, it depends from claim 3 which, as pointed out above, is different from Hanson because of the claimed notification to the second user being a notification of a completed voice message. Likewise, claim 4 claims that the step of immediately sending is of a completed voice message that is carried only after the second user signals acceptance. Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 4.

Regarding claim 11, it depends from claim 10 which has been discussed above in connection with the fact that the Hanson reference fails to utilize a presence service and therefore the notification of Hanson is a "blind" notification which is carried out whether the second user or second terminal is available or not. Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 11.

Regarding claim 16, again the notification of Hanson is carried out in a "blind" manner in which repeated notifications are made whether or not the intended second user at the second terminal is available or not. In the present invention, such notification is carried out in conjunction with a presence service which checks availability and does not need to notify unless the availability is ascertained. Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 16. Withdrawal of the 35 U.S.C. § 102(e) rejection of claims 4, 11 and 16 is requested.

Regarding claims 5 and 12, as amended, these claim that a reciprocal message from the second user is spoken to a conclusion by the second user and that the received voice message is a completed voice message from the second terminal so that it is a completed voice message that is sent immediately to the first terminal. Such as not shown or even suggested by Hanson and withdrawal of the 35 U.S.C. § 102(e) rejection thereof on that ground is requested.

Regarding claim 6, it depends from claim 5 and has already been pointed out above, the voice message received from the

second terminal is spoken to a conclusion by the second user and such a completed voice message is the kind of voice message received and immediately sent to the first terminal. Therefore, the claimed limitation of claim 6 of checking the availability of the first terminal is carried out in relation to a voice message completed at the second terminal. Moreover, it should be pointed out that the steps recited in claims 5 and 6 have to do with a two-way messaging sequence which is not in any way shown or even suggested by Hanson. Regarding claim 13, a similar remark applies. Withdrawal of the 35 U.S.C. § 102(e) rejection of claims 6 and 13 is requested.

Regarding claims 7 and 14, the message system of Hanson does not store the received voice message in the second terminal for playback by the second user at the convenience of the second user. It begins to play the message using well-known message playback techniques and the user can save the message at the system level not in the terminal itself which is not what is claimed in claims 7 and 14. Withdrawal of the 35 U.S.C. § 102(e) rejection of claims 7 and 14 is requested.

Regarding the 35 U.S.C. § 102(e) rejection of claim 15, the Hanson reference fails to show the claimed presence service of claim 15 (as amended) for checking availability. Rather, Hanson shows the integrated forced delivery by repeated dialing of the recipient's number and ringing the phone until the recipient answers. This is different from sending the stored receive message from the first terminal to the second terminal if the second terminal is available. It is true that Hanson sends the message if the recipient answers but Hanson certainly does not use a presence service for checking availability. In other words, Hanson does not show checking availability and sending if available. Rather, Hanson shows repeated ringing instead of checking availability with the presence service. This is different from that claimed in claim 15 and Hanson is therefore inapplicable as a 35 U.S.C. § 102(e) reference against claim 15, as amended.

Regarding claim 17, which depends from claim 15, it has been pointed out in regard to claim 15 above that the Hanson reference fails to show a presence service for checking availability of an intended second user at a second terminal. Rather, Hanson dials the recipient's number and rings the phone repeatedly until the recipient answers. This is different from a presence service and therefore the voice message retrieved from storage and provided according to the designation signal from the first user designating a second user as the intended recipient is different because the voice message retrieved from storage is sent in conjunction with the presence service determining availability. There is therefore no system dialing the recipient's number and ringing the phone repeatedly until the recipient answers, as is done in Hanson which has to do so because it doesn't have a presence service. Therefore, Hanson is inapplicable as a 35 U.S.C. § 102(e) reference against claim 17 and withdrawal of the rejection thereof on that ground is requested.

Claim 18 depends from claim 17 and further limits claim 17 to receiving incoming voice messages from the second user for playback to the first user. As pointed above, Hanson does not envision a two-way interchange of messages as claimed in claim 18. Hanson only discloses a one-way voice messaging service. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 18 is requested.

Regarding claim 19, it further limits claim 18 to providing capability for the first user to receive notification of the incoming voice message from the second user and means responsive to an acceptance indication from the first user for sending the acceptance indication input signal for use in the voice message system in deciding whether to send the incoming voice message from the second user to the first user. As pointed out above in connection with claim 18, Hanson does not show or even suggest a two-way voice messaging system. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 19 is requested.

Regarding claim 20, it further limits claim 17 to means for

recognizing the voice message spoken by the first user for providing the voice message as a text message. It appears that the rejection of claim 20 is possibly a 35 U.S.C. § 103 rejection since the Examiner mentions Baker (U.S. 6,507,735). It is believed that the Examiner intended to assert an obviousness rejection based on Hanson and Baker. However, Baker shows the conversion of a voice message to a text message at the server level, not the terminal level as disclosed in the specification and claimed in claim 20. This is different from Baker which shows the mobile switching center forwarding a call to a wireless service node if the wireless telephone unit is unavailable. The wireless service node prompts the calling party to speak a message for transmission to the wireless telephone unit. The wireless service node converts the message spoken by the calling party from a speech message to a text message and forwards the text message to a short message service center for transmission to the wireless unit (column 1, line 60 through column 2, line 5 of Baker). It is clear also from column 3, lines 9-11 that the wireless service node 23 is the entity that includes the speech recognition system. Claim 17, from which the rejected claim 20 depends, claims that the "means for receiving" is in the terminal such as the means 412 of Fig. 12 which is able to convert the spoken word to text for storage in the memory 420. There is no hint or suggestion of placing this capability in the terminal. Therefore, Hanson and Baker are inapplicable as 35 U.S.C. § 103 references against claim 20 and withdrawal of the rejection thereof on that ground is requested.

Claim 21 further limits claim 20 to receiving an incoming text voice message from the second user that is stored as a text message and displayed as a text message. Claim 21 claims that the system is a two-way messaging system that uses text messaging from one terminal to the other in both directions. This is not shown or suggested by the references. Withdrawal of the 35 U.S.C. § 103 rejection of claim 21 is requested.

Regarding claim 22, it likewise further limits claim 20 but

unlike claim 21, it converts the incoming text message to voice for playback as an enunciated voice message. Thus, the terminal receives a text message and converts it to voice for enunciation to the user of the terminal. This is not shown or even suggested by Baker or Hanson. Withdrawal of the 35 U.S.C. § 103 rejection of claim 22 is requested.

Claims 23-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Baker et al (U.S. 6,507,735).

The means (27 of Fig. 1) for storing SVMs is in a short message service center not a user equipment as claimed in claim 23 and all its dependent claims. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 23 is requested.

Regarding claim 24, Baker et al do not actually show a two-way system as disclosed in the present specification and claimed in claim 24.

Regarding claim 25, it depends from claim 24 and therefore pertains to the two-way system disclosed in the present specification and claimed in claim 24. Therefore, since Baker et al failed to show a two-way system, there can be no notification as claimed in claim 25.

Regarding claim 26, the voice recognition means of Baker et al is resident in the short message service center 27 not the user equipment as claimed in claim 26. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 26 is requested.

Regarding claim 27, it depends from claim 26 and therefore includes the limitation of claim 26 where the voice recognition means is in the user equipment as distinguished from the short message service center 27 of Baker et al. It should also be mentioned that the specific limitations of claim 27 pertain to the two-way nature of the presently claimed invention as disclosed for instance in Fig. 11 and as claimed in claim 27. Baker et al failed to show any details about a two-way system but rather only a one-way system. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 27 is requested.

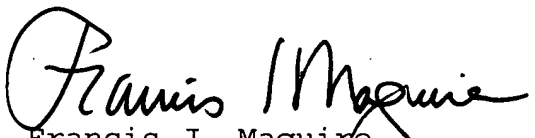
* * *

Regarding the amendment to the specification, page 16 was inadvertently submitted twice and the above amendment to the specification points this out and deletes the second page 16 which has also unfortunately been published in US 2002/0146097 A1. Therefore, the text appearing at page 6, line 29 of the publication beginning with the words "It should be realized that the ..." and concluding at page 7, line 11 with the phrase "... in the storage means 420" are a mistaken repetition and therefore that text in the publication should be ignored. appearing at page 7, line 4.

The prior art made of record and not relied upon is noted and it is agreed that the present invention is patentably novel and nonobvious thereover.

The objections and rejections of the Official Action of March 31, 2003, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-40 to issue is solicited.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

/mo
May 27, 2003
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building 5
755 Main Street, PO Box 224
Monroe, Connecticut 06468
(203) 261-1234